

**Remarks/Arguments**

Claims 1-13 are pending. Claims 1-13 stand rejected

Claim 4 have been amended to more clearly and distinctly claim the subject matter that applicants regard as their invention.

Claim 13 has been cancelled.

Claims 14 has been added to more fully claim the subject matter that applicants regard as their invention.

No new matter is added by the present amendment.

**Specification**

The title of the invention is objected to as not descriptive. A new title is proposed herein based on the claimed invention.

The abstract of the disclosure is objected to as not commencing on a separate sheet. A replacement abstract is included herein replacing the previous abstract in its entirety.

The Office Action, in item 7, requests correction of the specification with regard to adding section headings. Applicants respectfully submit section headings are not statutorily required for filing a non-provisional patent application under 35 USC 111(a), but per 37 CFR 1.51(d) are only guidelines that are suggested for applicant's use. Furthermore, the Office has stated that it will not require conformance with the format set forth in 37 CFR 1.77. (See Miscellaneous Changes in Patent Practice, Response to comments 17 and 18 (Official Gazette, August 13, 1996) [Docket No: 950620162-6014-02] RIN 0651-AA75 ("Section 1.77 is permissive rather than mandatory. ... [T]he Office will not require any application to comply with the format set forth in 1.77").

Accordingly, withdrawal of the objections to the specification and of the request for correction set forth in item 7 of the Office Action is respectfully requested.

**Rejection of claim 4 under 35 USC 112, second paragraph, as being indefinite**

Claim 4 has been amended herein to clarify the inventive subject matter. The second segment recited in claim 2, from which claim 4 depends, is further defined in claim 4 as a delayed first segment. Thus, there is a first segment and a second segment, where the second segment is a delayed first segment. In view of the clarification, it is respectfully requested the rejection be withdrawn.

**Rejection of claim 13 under 35 USC 101 as being directed to non-statutory subject matter.**

Claim 13 is cancelled herein obviating the rejection.

**Rejection of claims 1-11, and 13 under 35 USC 102(e) as being anticipated by Watson et al. (US Pat Pub No 2004/0024588)(hereinafter Watson).**

Applicants submit that for at least the reasons discussed below claims 1-11, and 13 are not anticipated under 35 USC 102(e) by Watson.

Applicant's claimed invention recited in independent claims 1 and 11 includes:

“comparing the processed signal with the information signal to determine a measure of perceptual quality of the processed signal; adjusting said at least one control parameter in response to the determined measure of perceptual quality” (emphasis added)

The Office Action points to Watson, paragraphs [0212]-[0213] and [0235]-[0244] to show the claimed features.

However, Watson [0212]-[0213] describes finding a distortion measurement which compares the original input signal with the encoded signal (output of the rate control). The distortion measurement is different from applicant's claimed perceptual quality. Distortion in Watson is only the difference between the original and coded signals as defined in the last sentence of [0215] in Watson.

In contrast, applicant's claimed invention describes a measure of perceptual quality of the processed signal. This is not just the difference between the original and coded signals, but a measure of perceptual quality of the processed signal.

For example, applicant's specification describes the measure of perceptual quality is indicative of a perceivable change in the information content of the information signal caused by the signal modification process. Thus, applicant's claimed invention advantageously provides an automatic control based on a perceptual measure, thereby taking into account the artifacts of the signal processing that influence the perceptual quality. Furthermore, artifacts may be considered other than those considered by the actual signal processing (see paragraphs [0018]-[0020] of the present application in U.S. patent publication 2006/0140406).

As pointed out above, the Office Action also points to Watson, paragraphs [0235]-[0244]. However, these paragraphs only describe analyzing the characteristics of the source signal and then adaptively controlling the rate of parameter modulation and transitions based on the characteristics of the source signal. Analyzing the source signal is different from applicant's claimed comparing the processed signal with the information signal to determine a measure of perceptual quality of the processed signal.

For at least the foregoing reasons, applicant's independent claims 1 and 11 include features not taught or suggested by Watson and, therefore, the claimed invention cannot be anticipated.

With regard to dependent claims 2 & 3, Watson [0126] describes decomposing the input signal into one or more components. This is different from applicant's claimed dividing into a sequence of segments. Watson provides an example of decomposing by using transform coding. This is completely different from dividing an input signal into a sequence of segments. In addition, paragraphs [0142]-[0144] describe overlapping encoder windows. In contrast, applicant's claim 3 describes a second segment subsequent to the first segment. This is different from Watson because the windows are overlapping.

With regard to dependent claims 4 & 5, Watson discloses delay functions but fails to teach or suggest the delay functions are related to compensating for a duration of the steps of comparing the processed signal with the information signal and of adjusting the at least one control parameter as recited in applicant's claims.

The remaining dependent claims 6-10 and 12 each include the features of the respective independent claims plus additional distinguishing features not found or suggested in the cited reference, Watson. For at least the forgoing reasons it is respectfully requested the rejections be withdrawn.

New claim 14 includes similar distinguishing features as pointed out above with respect to claim 1 and should likewise be allowed.

Conclusion

In light of the foregoing, withdrawal of the rejections of record and allowance of this application are solicited. Should the Examiner have any further comments or suggestions, it is respectfully requested that the Examiner telephone the undersigned attorney in order to expeditiously resolve any outstanding issues. In the event that the fees submitted prove to be insufficient in connection with the filing of this paper, please charge our Deposit Account Number 50-0578 and please credit any excess fees to such Deposit Account.

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Respectfully submitted,



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